

1 Zachary C. Frampton (303225)
2 Email: zframpton@reedsmit.com
3 REED SMITH LLP
4 355 South Grand Avenue
5 Suite 2900
6 Los Angeles, CA 90071-1514
7 Telephone: +1 213 457 8000
8 Facsimile: +1 213 457 8080
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10 Attorneys for Defendant
11 Synchrony Bank

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 Carole Eaton-Spring,
13 Plaintiff,
14 vs.
15 Synchrony Bank and DOES 1 through 100
16 inclusive,
17 Defendants.

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No.: 3:16-cv-3002
[Removal from Superior Court of
California, County of Santa Clara Case
No. 16CV294629]

**DEFENDANT SYNCHRONY
BANK'S NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. § 1441**

**[FEDERAL QUESTION
JURISDICTION]**

[Filed concurrently with:
1. Civil Cover Sheet;
2. Certification of Interested Parties;
3. Notice of Related Cases;
4. Corporate Disclosure Statement.]

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT OF THE**
2 **NORTHERN DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. § 1441 *et. seq.*,
4 Defendant Synchrony Bank (“Synchrony”) hereby files a Notice of Removal for the
5 above-captioned action from the Superior Court of Santa Clara County, California to
6 the United States District Court for the Northern District of California. In support of
7 this Notice of Removal, Synchrony states as follows:

8 1. Synchrony is a named defendant in a lawsuit that was filed on May 3,
9 2016, in the Superior Court of Santa Clara County, California, styled *Carole Eaton-*
10 *Spring v. Synchrony Bank, et. al.*, No. 16CV294629 (“State Court Action”).

11 2. On May 5, 2016, Plaintiff served Synchrony’s registered agent with
12 the Complaint and Summons in the State Court Action. *See Exhibit A.*

13 3. On June 3, 2016, Synchrony timely files this Notice of Removal
14 within 30 days of being served with the Complaint and Summons. *See* 28 U.S.C. §
15 1446(b). Pursuant to 28 U.S.C. § 1446(a), **Exhibit A** is a true and correct copy of all
16 substantive records and proceedings from the state court served on Synchrony.

17 4. The claims of relief alleged in the State Court Action arise under a
18 federal statute, the Telephone Consumer Protection Act (“TCPA”), 14 U.S.C. §227, *et*
19 *seq.* Compl. ¶ 1. This Court has original subject matter jurisdiction over the above-
20 captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

21 5. To the extent that any other claims in this action may arise under state
22 law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1337.

23 6. This Court is the proper district court for removal because Santa Clara
24 County Superior Court is located within the United States District Court for the
25 Northern District of California. The proper intradistrict assignment for this case is the
26 San Jose Division per Civil Local Rule 3-2(e).

1 7. Synchrony, in accordance with 28 U.S.C. § 1446(d), will promptly
2 serve a copy of this Notice on counsel for Plaintiff and will file a copy of the Notice
3 with the Clerk of the Superior Court of Santa Clara County, California.

4 8. There are no other cases related to the instant action, and Synchrony
5 has not attempted to remove this case previously.

6 9. By filing this Notice of Removal, Synchrony does not waive any
7 defense to the Complaint, including but not limited to lack of service, improper
8 service, or lack of personal jurisdiction.

9 **WHEREFORE**, Defendant Synchrony Bank notices the removal of the State
10 Court Action to the United States District Court for the Northern District of California
11 pursuant to 28 U.S.C. § 1441 *et. seq.*

13 | DATED: June 3, 2016 Reed Smith LLP

By: /s/ Zachary C. Frampton
Zachary C. Frampton
Attorneys for Defendant Synchrony Bank